

COUNCIL ASSESSMENT REPORT

Panel Reference	2018HCC036
DA Number	152/2019/DA
LGA	Midcoast Council
Proposed Development	Staged Retirement Village (293 dwellings), associated facilities and Community Title Subdivision
Street Address	26-56 Manor Road Harrington
Applicant/Owner	Bayline investments (NSW) Pty Ltd/ Riverside Manors (Harrington) Pty Ltd
Date of DA lodgement	24 September 2018
Number of Submissions	24
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 the proposal is general development with a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	Environmental planning instruments: s4.15(1)(a)(i): <ul style="list-style-type: none"> • Environmental Planning and Assessment Act; • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy No. 44- Koala Habitat Protection • State Environmental Planning Policy (Coastal Management) 2018 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Coastal Management) 2018 • Greater Taree Local Environmental Plan 2010; • Greater Taree Development Control Plan 2010; • Greater Taree Development Contributions Plan 2016
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • plans • Site Compatibility Certificate • Draft Conditions • Legal advice
Report prepared by	Petula Bowden – Senior Town Planner
Report date	29 April 2019

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been **Yes** summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments

Yes

where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not
Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

**Not
Applicable**

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report.

Yes

Executive Summary

The purpose of this report is to seek the Hunter and Central Coast Regional Planning Panel determination of a development application (DA) for a Retirement Village.

The Panel is the determining authority for this DA as, pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 the proposal is general development with a capital investment value of more than \$30 million.

The proposed development is considered satisfactory in respect to the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

The proposal is also 'integrated development' for the purposes of the Rural Fires Act 1997 (s100B).

Following public exhibition of the proposal twenty-four (24) submissions were received.

Proposal

The proposed Retirement Village provides 293 dwellings comprised of a variety of single storey detached villas and associated facilities. The proposal will also involve subdivision of the lots under a community title scheme which will create separate titles for the dwellings which will be managed under the *Retirement Villages Act 1999*.

In detail:

- 293 single storey 'serviced self-care housing' dwellings
- Tennis Courts
- Bowling Greens
- Men's Shed
- Sports Club House
- Main Recreation Centre including:
 - ✦ Foyer/reception

- ✦ Large commercial and catering kitchen
- ✦ Formal Bar area
- ✦ Large indoor and outdoor seating/dining area
- ✦ Games Room
- ✦ Multipurpose Room
- ✦ Gymnasium
- ✦ Indoor swimming pool
- ✦ Sauna
- ✦ Theatre/Cinema ✦ Associated amenities.
- Extensive parkland network
- Barbecue shelters and other embellishment of parklands
- Pedestrian/Cycleway connections
- Subdivision- Community Title
- Ancillary Commercial Facilities- 6 tenancies
- Managers residence and Temporary Accommodation (15 units)

Permissibility

The subject site is zoned R5 Large Lot Residential pursuant to the Greater Taree Local Environmental Plan 2010. The proposed development is characterised as *seniors housing*. The LEP defines seniors housing to mean:

...a building or place that is:

- (a) a residential care facility, or*
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:*
- (e) seniors or people who have a disability, or*
- (f) people who live in the same household with seniors or people who have a disability, or (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital.*

In the R5 Large Lot Residential zone seniors housing is prohibited development.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 however provides that where a site adjoins land zoned for urban purposes and a site compatibility certificate has been issued development consent may be granted for seniors housing.

A Site Compatibility certificate was issued by the Department of Planning and Environment on 4 April 2018.

Public Notification

The DA was publicly exhibited for a period of 30 days in accordance with the Environmental Planning & Assessment Act, Regulations and Greater Taree DCP 2010. Twenty-four (24) submissions were received. Issues raised in these submissions are addressed later in this report.

Recommendation

That the Panel determine Development Application 152/2019/DA for a Staged Retirement Village (293 dwellings), associated facilities and Community Title Subdivision pursuant to Section 4.16 of the Act by granting consent, subject to the conditions contained in this report.

Assessment Report and Recommendation

1 Context and History (Previous Approvals)

On 16 October 2006 development consent was granted for the subdivision of each of the allotments containing the subject land, as follows:

- ✦ 75/2007D - Lot 1 DP 621005 into a development lot (Lot 2 DP 1219123) and a lot containing the existing dwelling house (1);
- ✦ 74/2007D - Lot 2 DP 621005 into a development lot (Lot 4 DP 1219124) and a lot containing the existing dwelling house (3); and
- ✦ 73/2007D - Lot 31 DP 847223 into a development lot (Lot 6 DP 12178066), a lot containing the existing dwelling house and a riverfront lot to be dedicated to Council for environmental protection and public use.

Lot 2 DP 1219123, Lot 4 DP 1219124 and Lot 6 DP 1217806 comprise the site of the proposed retirement village.

On 20 August 2015 development consent was granted for a rural residential subdivision of the subject site to create 47 lots ranging between approximately 4,000m² and 4,500m² in area. There is no evidence to suggest that works associated with this consent have commenced on the land.

A Site Compatibility Certificate for the proposed retirement village was issued by the NSW Department of Planning and Environment on 4 April 2018 for a *retirement village comprising 293 serviced self-care dwellings, associated recreation facilities, ancillary commercial uses and community title subdivision*. A copy of the Site Compatibility Certificate is provided as an attachment.

The proposed development is proposed to proceed in eleven (11) stages but is not a 'concept development application' for the purposes of s4.22 of the Environmental Planning and Assessment Act, 1979

2 Site Description

The subject site comprises Lot 2 DP 1219123; Lot 4 DP 1219124; and Lot 6 DP 1217806, having a combined area of 22.7 hectares at Manor Road Harrington. The location of the site in the context of the broader Harrington area is shown in Map 1- Locality Plan.



Map 1- Locality Plan

The area surrounding the site is characterised by a variety of land uses including, tourist accommodation, residential development, public reserves, rural residential development, and low scale agricultural pursuits. The site is near to the Manning River to the south, the Colonial Village Caravan Park to the north and Harrington Waters Estate to the east.

The site has a regular shaped landform, consistent with grazing pasture. It is highly disturbed, predominantly cleared and comprises exotic grasslands with scattered trees and small woodland remnants. There are no dominant landscape features within the site. The slope of the land form varies slightly with slopes of between 0.05 -1.0% towards the river. The land has elevations of 2.2m to 2.5m AHD.

The site is identified on Council's mapping as bushfire and flood prone land. Access to the site is via the public roads, namely Manor Road and Harrington Road. Three (3) separate driveways currently provide access across the site to the existing dwellings on lots 1, 3 and 5 to the south.

These lots were provided with continued legal access (Right of Access 4m wide) to Manor Road upon registration of the subdivisions that created the 3 lots the subject of this application.

The site is currently serviced by electricity. Neither reticulated water nor sewer are currently available.

3 The Proposal

The proposed development is to be carried out in eleven (11) separate stages and comprises the following:

Stage	Description
1A	Subdivision to create community lot 1, development lots 2 and 3 and drainage easement
1B	Subdivision of proposed Lot 2 to create 29 lots
1C	Community Facility
1D	29 Seniors living dwellings
2	Subdivision to create 25 Lots, including access road and associated drainage
2A	25 Seniors dwellings, retail premises to provide services and support facilities, Managers Residence/Accommodation and village green area.
3	Subdivision to create 22 Lots, including access road and associated drainage.
3A	22 seniors living dwellings
4	Subdivision to create 21 Lots, including access road and associated drainage
4A	21 Seniors dwellings, including central access road and associated drainage, Tennis Courts, Sports Club House (Relocated Stage 1 services building) and Main Recreation Centre.
5	Subdivision to create 22 Lots, including access road and associated drainage
5A	22 Seniors dwellings/lots, including access road and associated drainage and Bowling Green, Men's Shed and Maintenance Shed.
6	Subdivision to create 22 Lots, including access road and associated drainage
6A	22 Seniors dwellings, and caravan/boat parking area.
7	Subdivision to create 40 Lots, including access road and associated drainage
7A	40 Seniors dwellings
8	Subdivision to create 22 Lots, including access road and associated drainage
8A	22 Seniors dwellings
9	Subdivision to create 20 Lots, including access road and associated drainage
9A	20 Seniors dwellings, including access road and associated drainage.
10	Subdivision to create 45 Seniors /lots, including access road and associated drainage.
10A	45 seniors living dwellings
11	24 Seniors dwellings/lots, including access road and associated drainage.
11A	24 seniors living dwellings

Plans depicting works proposed within each stage are provided as an attachment.

The 293 single storey 'serviced self-care housing' dwellings will comprise 16 varying designs. Details of each dwelling are provided as an attachment.

The capital investment value of the works is \$72,150,000 million.

4 Statutory Assessment

Environmental Planning and Assessment Act 1979 (the Act)

The provisions of any Environmental Planning Instrument

In determining a development application, the consent authority must take into consideration matters referred to in Section 4.15 (1) of the Act as relevant to the proposal.

The following environmental planning instruments have been considered in the planning assessment of the subject Development Application:

Environmental Planning and Assessment Act 1979
Biodiversity Conservation Act 2018
Water Management Act 2000
Rural Fires Act 1997

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
State Environmental Planning Policy No. 44- Koala Habitat Protection
State Environmental Planning Policy (Coastal Management) 2018
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; State
Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (State and Regional Development) 2011 State
Environmental Planning Policy (Coastal Management) 2018

Greater Taree Local Environmental Plan 2010 (as amended).
Greater Taree Development Control Plan 2010

Water Management Act 2000

The subject development application did not seek any integrated approvals.

Works are required to be carried out within 40m of waterfront land for the purpose of stormwater management. These works constitute a controlled activity pursuant to the provisions of the Water Management Act 2000.

Correspondence received from the applicant during the assessment advised that works required as a part of the stormwater management system are to be considered as development under the State Planning Policy (Infrastructure) 2007. The requirement for a Controlled Activity approval to be separately obtained will be made through a condition of development consent.

Rural Fires Act 1997

The subject site is designated as bushfire prone land as depicted in the map below. Seniors housing is defined as a 'special fire protection purpose' under the Rural Fires Act 1997 and requires a bush fire safety authority to be issued by NSW Rural Fire Service.



Figure 1- Bushfire Prone Land

Pursuant to section 4.14 of the EPA Act, the application was referred to the NSW Rural Fire Service (RFS) on 3 October 2018. In response, the NSW RFS issued their General Terms of Approval (GTA) dated 21 February 2019, raising no objection to the proposal subject to conditions.

State Environmental Planning Policy (State and Regional Development) 2011

Clause 20 of this policy cross-references Schedule 4A of the Act which identifies a range of developments that due to their nature, scale, impact or location are deemed to be of regional significance. Such applications require that the Regional Planning Panel (RPP) become the consent authority.

The Panel is the determining authority for this DA as, pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 the proposal is general development with a capital investment value of more than \$30 million.

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)

SEPP 44 aims to encourage the 'proper conservation and management of areas of natural vegetation that provide habitat for koalas'. The SEPP requires that before granting consent for development on land over 1 hectare in area, a consent authority must be satisfied as to whether or not the land is 'potential or core koala habitat'.

The subject site is highly disturbed and predominantly cleared. The remaining vegetation on the site comprises swamp forest, pastoral woodland, roadside dry sclerophyll forest, and garden plantings.

In accordance with the SEPP the identification of land as Potential Koala Habitat is determined by the presence of primary koala-food tree species, and where the presence of such trees constitutes at least 15% of the of trees in the upper and lower strata of the tree component.

The Ecological Impact Assessment submitted with the application concludes that the site comprises only 8.3% of Koala-feed trees and does not constitute 'core or potential koala

integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,

(b) coastal environmental values and natural coastal processes,

(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(f) Aboriginal cultural heritage, practices and places, (g) the use of the surf zone.

(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Relative to these matters it is considered that:

- The proposal is unlikely to significantly impact on ecological or hydrological values in the area.
- The proposal includes drainage controls to protect water quality.
- The proposal does not have significant adverse impacts on native vegetation, fauna or their habitats, headlands or rock platforms.
- The application submitted includes due diligence Cultural Heritage Assessment and notes that the land is disturbed from previous development.
- The proposal includes connection of sewer to the MidCoast reticulated system.
- Stormwater treatment for the site results in improvements to water quality.
- The proposal will not impact on the surf zone.

Clause 14 of the SEPP provides controls in relation to land in the coastal use area as follows:

14 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,

(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and (b) is satisfied that:

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

*(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Relative to the above, the following is noted:

- The site does not have frontage to the coastal foreshore.
- The proposal does not impact on public access along coastal foreshores.
- The proposal does not involve impact to views, overshadowing or wind funnelling along the foreshore.
- The proposal will not impact on scenic amenity of the coast, including coastal headlands.
- The application includes due diligence Cultural Heritage Assessment.
- The proposal does not affect any heritage items or areas.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;

Basix Certificates that list commitments have been submitted with the application confirming that the proposed development will meet the NSW Government's requirements for sustainability with respect to energy and water reduction targets.

State Environmental Planning Policy (Infrastructure) 2007

The subject application seeks approval for a stormwater management system pursuant to section 111A of this SEPP.

The SEPP defines a stormwater management systems to mean:

- (a) works for the collection, detention, harvesting, distribution or discharge of stormwater (such as channels, aqueducts, pipes, drainage works, embankments, detention basins and pumping stations), and
- (b) stormwater quality control systems (such as waste entrapment facilities, artificial wetlands, sediment ponds and riparian management), and (c) stormwater reuse schemes.

Schedule 3 of SEPP Infrastructure identifies those developments that, due to either their scale or location (on or near an arterial road) require referral to Roads and Maritime Services (RMS) as traffic generating developments. Retirement Villages are not listed as a type of development requiring referral to the RMS.

As such, the proposed development is not affected by the provisions of this SEPP and the application was not referred to the RMS.

However, according to the RMS 'guide to Traffic Generating Developments', the development upon completion is likely to generate in the order of 1-2 trips per dwelling/day in the predominant westerly direction. Given existing traffic conditions in the surrounding road network it is considered that the additional traffic to be generated by the proposed subdivision is likely to have a negligible impact on these conditions and the efficacy of the intersection. As

such, the additional traffic generated is likely to be accommodated by both the existing road network and the existing intersection at Harrington and Manor Roads.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The development is proposed under the provisions of SEPP Housing for Seniors or People with a Disability. The proposed development is permissible under the provisions of this SEPP pursuant to Clauses 4 and 15, being on land that adjoins land zoned primarily for urban purposes.

The proposed development is a ‘group of self-contained dwellings’ which falls under the definition of seniors housing under clause 10 in the SEPP:

In this Policy, seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these, but does not include a hospital.

‘Self-contained dwellings’ are then further defined under clause 13 in the SEPP SH to be either:

(1) General term: “self-contained dwelling”

In this Policy, a self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

(2) Example: “in-fill self-care housing”

In this Policy, in-fill self-care housing is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.

(3) Example: “serviced self-care housing”

In this Policy, serviced self-care housing is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.

The proposed development is appropriately defined as *serviced self-care housing* as the development is to be managed as a retirement village under the Retirement Villages Act 1999, with services provided and coordinated through the community centre facilities.

The proposal’s compliance with the relevant requirements of the SEPP are summarised in the table below:

Clause	Requirement	Comment
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4 Land to which the Policy applies	The clause provides that the provisions of the SEPP apply to land that is zoned urban or adjoins land zoned urban and on which dwellings, houses, residential flat buildings, hospitals, or special uses are permissible	The subject site adjoins an urban zone and dwelling houses are permissible on the land. As such, the SEPP applies to the land.
17 Development on land adjoining land zoned primarily for urban purposes	Clause 17 provides that certain forms of seniors housing is permissible on land that adjoins land zoned primarily for urban purposes, including serviced self-care housing that is managed as a retirement village.	The subject land adjoins residential zoned land in the Harrington Waters Estate. The proposed development proposes serviced self-care housing and is to be managed under the provisions of the <i>Retirement Villages Act 1999</i> . The proposed development is therefore permissible on the land under the provisions of the SEPP.
18 Restriction on occupation	This clause provides that accommodation within the development may only be occupied by persons over 55 years of age or persons with a disability, and persons in the same household (including carers), as well as persons employed to provide management and services to residents.	The dwellings will only provide accommodation for people over the age of 55 years and those with a disability (or members of their household). The proposal also seeks to provide accommodation for an on-site manager; temporary accommodation for visiting professionals; and the relatives and friends of residents that are unable to be accommodated.
21 Subdivision	Allows subdivision of land to facilitate seniors housing.	Clause 4.1 of the LEP allows subdivision of lots below the minimum for the zone. The provisions of clause 21 would also allow the subdivision of land under the SEPP to create lots less than the 4,000m ² minimum area under the LEP.
24 Site Compatibility Certificate	Clause 24 of the SEPP provides that seniors development requires a Site Compatibility Certificate from the Director General in certain circumstances, including where it is on land which adjoins an urban zone.	A Site Compatibility Certificate has been issued for the land.

26 Location and access to facilities	Residents of the development must have access to shops, banks, retail and commercial services, community and recreation facilities and a general medical practitioner. The facilities must be no more than 400m from the site or alternatively be provided with a transport service that is no greater than 400m away from the site.	The retirement village is directly adjoining a bus route and 200 metres from an existing bus stop which provides a public transport service from the site to the facilities in various locations. In addition, the developer is creating a bus route through the village and is in discussions with the local bus company to have a route through the village. The village will also provide buses that can meet these times as well as providing transport for trips to recreational and entertainment activities. All the necessary services listed in Clause 26 are available by public and private transport.
27 Bush fire prone land	The consent authority must be satisfied that the development complies with <i>Planning for Bush Fire Protection 2006</i> and must consider the views of the NSW Rural Fire Service	A bush fire safety authority has been provided for the development.
28 Water and sewer	The development must propose housing that will be connected to a reticulated water and sewage system.	The retirement village will be connected to MidCoast Water Services' reticulated water and sewerage system.
30 Site analysis	Consent must not be issued until a site analysis has been taken into account	A site analysis was prepared and accompanied by a written statement that adequately explains how the proposal has regard to its site and the design principles of the SEPP

		(namely neighbourhood amenity and streetscape; visual and acoustic privacy, solar access, stormwater, crime prevention, accessibility and waste management).
34 Visual and acoustic privacy	Proposal should consider the visual and acoustic privacy of neighbours in the vicinity and residents	Detailed assessment of the proposal indicates that appropriate site planning has been adopted within this design layout in terms of the positioning of windows within side elevations of dwellings, separation distance between dwellings and screen landscaping where considered necessary to minimise potential privacy impacts. Traffic within this seniors housing development is restricted to residents and visitors and dwellings have been positioned and designed to achieve adequate setbacks to internal

		roadways and common parking areas.
35 Solar access	Ensure adequate sunlight to living areas and private open space areas	The proposal is acceptable in relation to solar access considerations in that adequate sunlight will be provided to main living area of a reasonable number of dwellings and their associated private open space.
40 Development standards	<p>Clause 40 of the SEPP provides a set of development standards for development of land to which the SEPP applies. The SEPP provides the site must have an area of at least 1,000m².</p> <p>The SEPP provides the site must have a frontage of at least 20 metres.</p> <p>If the development is proposed in a residential zone where residential flat buildings are not permitted: (a) the height of all buildings in the proposed development must be 8 metres or less, and</p> <p>(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and</p> <p>(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.</p>	<p>The subject site has an area of approximately 22.7 hectares.</p> <p>The subject site has a frontage of approximately 520 metres.</p> <p>The relevant heights of the proposed buildings are discussed below in this report.</p>

<p>42 Serviced self-care housing</p>	<p>Clause 42 of the SEPP provides that development on land adjoining an urban zone must have reasonable access to home delivered meals, personal care, home nursing and assistance with housework.</p>	<p>These services are provided onsite by management and the residents will also have the choice to engage outside help/contractors if they wish and this can be arranged by the onsite management. The staging of the development provides for a temporary building in Stage 1 to provide these services. The creation of the commercial spaces in Stage 2 will enable these services to be provided for thereafter. The spaces will provide a management office, consulting/nurses room, personal care services (hairdresser/beautician, etc.), a café providing onsite meals and a store for cleaning/maintenance services. As the village progresses, these services will be further rationalised within the recreational centre, maintenance shed and within the additional commercial spaces.</p>
<p>43 Transport services</p>	<p>The SEPP provides that a bus capable of carrying a minimum of 10 passengers is required to be provided which will take residents to shops, medical services,</p>	<p>While the site has access to public bus services, the village will also operate buses capable of carrying approximately 15 passengers each in accordance with this requirement.</p>
<p>44 Availability of facilities and services</p>	<p>A consent authority must be satisfied that any facility or service provided as a part of a proposed development to be carried out on land that adjoins land zoned primarily for urban purposes will be available to residents when the housing is ready for occupation. In the case of a staged development, the facilities or services may be provided proportionately according to the number of residents in each stage</p>	<p>The staging of the development provides for a temporary building in Stage 1 to provide these services. The creation of the commercial spaces in Stage 2 will enable these services to be provided for thereafter</p>

<p>50 Standards that cannot be used to refuse development consent for self-contained dwellings</p>	<p>Clause 50 of the SEPP provides a series of non-refusal standards for self – contained dwellings (including serviced self-care housing). The standards provide controls for certain aspects and the consent authority cannot refuse consent to a development on the basis of that aspect if the standard is not breached.</p> <p>Building Height – If all proposed buildings are less than 8 metres in height (from ground level to uppermost ceiling). (<i>height</i> in this SEPP is defined as the distance measured vertically from any point</p>	<p>The proposed dwellings are single storey and have a ceiling height of 2.4m – 2.7 metres. The proposed Recreation Centre has a ceiling height of 4.5 metres. The manager’s residence/temporary accommodation</p>
	<p>on the ceiling of the topmost floor of the building to the ground level immediately below that point)</p> <p>Density and Scale – If the floor space ratio is less than 0.5:1.</p> <p>Landscaped Area – Minimum 30% of site area.</p> <p>Deep Soil Zones – Minimum 15% of the site area.</p> <p>Solar Access – Minimum of 70% of living rooms and private open space areas receive three (3) hours of sunlight daily between 9am and 3pm in mid-winter.</p> <p>Parking – Minimum of 0.5 spaces per bedroom which equates to one (1) car space for each 2 bedroom dwelling and 1.5 spaces for each 3 bedroom dwelling.</p>	<p>is a two storey building and the top ceiling height is 5.8 metres.</p> <p>The floor space ratio of the proposed development is 0.24:1.</p> <p>The proposal provides a landscaped area of 45% of the site area.</p> <p>The proposal provides deep soil areas of 45% of the site area.</p> <p>All of the proposed dwellings and lots have been formulated so that dwellings will receive direct sunlight in mid-winter exceeding the minimum requirements.</p> <p>Each 2 bed dwelling has a garage providing one (1) or two (2) spaces, whilst 3 bedroom dwellings have at least 2 parking spaces. In addition, the development provides large areas of visitor/other parking spaces near key activity areas with 90 additional spaces provided in these areas.</p>

Table 1

As stated above, clause 44 of the SEPP requires that the consent authority be satisfied that any facility or service provided as part of the proposal will be available to residents when the housing is ready for occupation. For staged development the facilities and services may be provided proportionately according to the number of residents in each stage.

The development seeks to provide the development in several stages. Assuming an occupancy rate of average 1.5 persons per site (based on Greater Taree Section 94 Contributions Plan 2016) the likely number of residents in each stage would be as follows:

Stage	Residents/ stage	Residents total	Facilities
1 and 1A	44	44	Office (including consulting room, bathroom and kitchen) 29m2
2 and 2A	39	83	Commercial units (656m2), managers residence and temporary accommodation (383m2), village greens
3 and 3A	33	116	-
4 and 4A	32	148	Tennis Courts, Sports Club House (598m2), Relocated Stage 1 services building, and Main Recreation Centre(2340m2).
5 and 5A	33	181	Bowling green, men's shed(156m2) and maintenance shed (110m2)
6 and 6A	33	214	caravan/boat parking area- 68 spaces
7 and 7A	60	274	-
8 and 8A	33	307	-
9 and 9A	30	337	-
10 and 10A	68	405	-
11 and 11A	36	441	-

An approximate area of 4272m2 of floor space is proposed to be provided as community facilities. This calculation does not include the area of the bowling greens, tennis court, swimming pool or village green.

As a percentage of the number of residents across the 11 stages the provision of these services is proposed to be apportioned as follows:

Stage	1	2	3	4	5	6	7	8	9	10	11
% Population	10	18	26	33	41	48					
% Facilities	6	25	25	93	100	-	-	-	-	-	-

The percentage of the facilities to be provided is not proportionately provided to residents until stage 2A. Accordingly it is proposed that a condition of development consent be imposed to require that a dwelling be erected on proposed lot 37 and utilised as an office, consulting room, kitchen and meeting space until such time as the stage 2A facilities are in place. At this time the dwelling can be converted to a residential unit within the retirement village. The dwelling will be required to be selected from the suite of dwelling types proposed in this development.

Greater Taree Local Environmental Plan 2010

The subject site is predominantly zoned R5 Large Lot Residential under Greater Taree Local Environmental Plan 2010 (GTLEP). The map extract below delineates the 3 lots and the zones, being R5 Large Lot Residential and E2 Environmental Conservation, which apply to them.

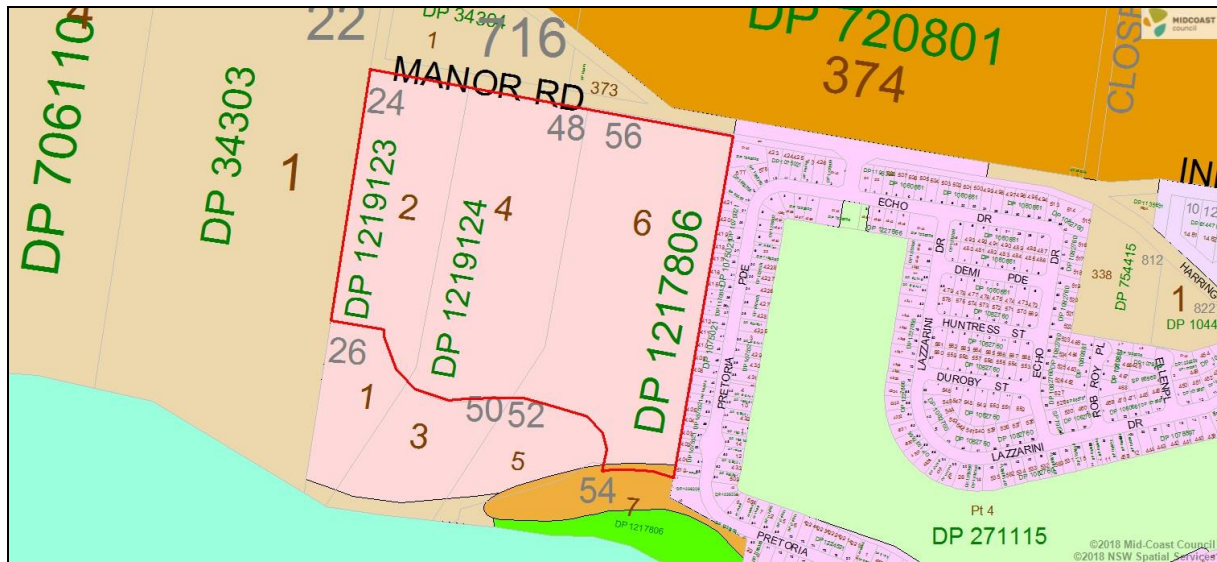


Figure 3

The proposed development is defined as seniors housing, which is not listed as a permissible use in the R5 zone, however the land use is permissible under the provisions of the Housing for Seniors SEPP.

In accordance with Clause 2.3(2), a consent authority must have regard to the objectives for the development in a zone when determining a development application in respect of land within the zone, which for the R5 are as follows:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The seniors living development will provide some 293 single serviced self-care houses. The site is not identified as a future urban area but rather functions as an appropriate transitional land use between the residential zone to the east and the rural zoning to the west. Services are available and will be extended to the site. The development will not unreasonably increase demands on public services or facilities, and indeed the appropriate s7.11 (former s94) contributions will be levied to provide additional facilities in the future.

In this regard, the proposed residential development and subdivision of the land are considered to be consistent with the specific objectives of the R5 zone.

The proposal also seeks the inclusion of 6 x 96m² commercial tenancies for the purpose of support services such as medical consulting rooms, personal care such as hairdressers and beautician, neighbourhood convenience stores and café.

The small commercial spaces are uses that are considered ancillary to the seniors living use and are therefore also permissible with consent.

The short term accommodation component of the proposal is also considered to be ancillary development, as a support service to the retirement village. The suites are proposed to be occupied by persons attending the site, namely: health professionals, staff or contractors and

members of resident's family where groups are of a size unable to be accommodated in the owners dwelling. Conditions of consent limiting the nature and length of stay in these villas are to be imposed on any development consent.

The following clauses of the LEP specifically apply to the proposed development.

Clause 4.1 – Minimum subdivision lot size

Under Clause 4.1 of the LEP, a minimum allotment size of 4,000 square metres applies to the site. Each lot in the proposed subdivision will have an area of not less than 350m² and no more than 626m². The proposal does not meet the criteria of the lot size development standard.

In this regard the applicant justifies the variation to the development standard to create undersized lots pursuant to the Seniors Living SEPP. Legal advice was independently obtained to demonstrate that, where a Site Compatibility Certificate has been issued the provisions of the SEPP override the LEP. A copy of the legal advice is provided at Attachment C.

Clause 4.3 – Height of buildings

The objective of this clause is to ensure that the height of a building is appropriate for the site and to ensure that it complements the streetscape or rural character of the area in which the building is constructed.

The height control identified on the LEP map for this land is 8.5m. The overall heights proposed are:

Building	Ridge Height	Steeple Height
Villas	4.84m – 5.75m	na
Main Recreation Centre	10.41m	13.21m
Village Commercial Tenancies	7.05m	9.77m
Managers/Temp Accommodation	7.75m	10.71
Clubhouse	8.32m	10.87m
Mens Shed	5.5m	na

It is noted that the total building heights of the Recreation Centre, Commercial Tenancies, Managers/Temp Accommodation and Clubhouse buildings exceed the overall height restriction under clause 4.3. It is noted, however, that the provisions of the SEPP for Seniors Housing provide a height control in the form of a non-refusal standard which overrides the provisions of the local control.

The design elements of the buildings that will exceed the height limit are considered integral to the overall design character and standard for the development and will mirror design features of other developments in the locality.

Clause 5.5 – Development within the Coastal Zone

As the site is located within 1km of the coast the provisions of this clause apply. They are essentially the same as the provisions contained with the Coastal Management SEPP which have been addressed above in this report.

The development does not result in the impeding or diminishing of the existing right of access of the public to or along the coastal foreshore. Public access to the foreshore is provided via a pathway along the Manning River and into the nearby public reserve. A pedestrian pathway will link the development to this reserve for resident access.

Clause 5.10 – Heritage Conservation

This clause seeks to conserve environmental heritage, in particular archaeological sites and places of heritage significance as identified under Schedule 5 of the LEP (either European or Aboriginal). Under Schedule 5, there are no sites of state or local significance identified as being present within the subject land. In addition, there are no records of any sites of aboriginal heritage being present on this part of the site.

Clause 7.1 – Acid Sulphate Soils

Under Clause 7.1 of the LEP the site is identified as potentially having Class 3 Acid Sulphate Soils (ASS) on the Acid Sulphate Soils maps.

Under sub-clause (3), development consent must not be granted for works identified in the table within sub-clause (2), unless an acid sulphate soils management plan has been prepared. Works listed as Class 3 under sub-clause (2) are as follows:

Works more than 1 metre below the natural ground surface.

Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.

Accordingly, the preparation of an Acid Sulphate Soils Management Plan is required to address the impact of ASS on any excavation in excess of 1 metre deep required for the subdivision, which may include excavation for services and the bio-retention pond. The development consent has been conditioned to require an ASS Management Plan to be submitted prior to the issue of any construction certificate.

Clause 7.2 – Flood Planning

The portion of the site in which the development is to take place is identified as being subject to 1 in 100 year flooding.

Under sub-clause (3), development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) *is compatible with the flood hazard of the land, and*
- (b) *will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *incorporates appropriate measures to manage risk to life from flood, and*
- (d) *will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) *will not be likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The Flood Impact Assessment Report (FIAR) submitted with the application states that the proposed works have the potential to impact on the existing flooding regime for the 0.2% AEP and 1% AEP climate change events, with the introduction of fill material potentially increasing local peak flood levels as floodplain flows are locally redistributed.

The proposal provides for filling of the land to create ground levels generally above FPL2, although some roads are proposed lower than FPL2. Current flood planning levels and the corresponding levels on site are as follows:

Flood Planning Level	Description	Level at site
Current 1% AEP	1% AEP flood level	2.6m AHD
FPL2	2100 1% AEP flood level	3.1m AHD

FPL3	2100 1% AEP flood level plus 0.5m freeboard	3.6m AHD
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The impact of the proposed development is effectively negligible for the 1% AEP and 0.5% AEP events, due to the absence of significant floodplain conveyance across the site. However, for the 0.2% AEP and 1% AEP climate change events the introduction of the proposed fill pad to the floodplain results in a localised redistribution of flood flows and some level of increase in modelled peak flood levels, in the vicinity of 100mm.

Concerns with the impact of the 100mm increase in flood levels on some adjoining land (predominantly the nearby caravan park) was further assessed through an independent review of the FIAR. This review recommended measures to be conditioned in any development consent.

In consideration of the above, it can be concluded that the modelling demonstrated that the proposed development provides flood and drainage systems for the development, mitigating the impact on surrounding property and infrastructure due to the development. Therefore, the proposed development is not inconsistent with the objectives of Clause 7.2 of the LEP.

Clause 7.3 – Earthworks

Part of this application is for the general earthworks required for the subdivision, including the cut and fill required for roads, reshaping and transitional works between roads and allotments. The quantity of fill required will likely be obtained from both within the site and externally. Some 11,720m³ will be cut from the site and redistributed.

The quantity of fill required to be imported for the works will be in the order of some 185,500m³. Filling of the site during the civil stages will be carried out within each stage of the development.

The placement will involve a D6 Dozer for pushing and spreading out of the fill (no stockpiling) with a water cart for dust suppression and compaction requirements and a compactive roller to place the material. Only the top soil initially removed from the fill area will be stockpiled until placed back on top of the finished surface.

It is not considered that the earthworks will have a detrimental impact on drainage patterns nor the amenity of adjoining properties.

Section 4.15(1)(a)(ii) – Any Draft Environmental Planning Instruments

There are no draft environmental planning instruments applying to this land.

Section 4.15(1)(a)(iii) – Any Development Control Plan

Greater Taree Development Control Plan 2010

Part C of the DCP provides specific development controls for Residential Subdivision. The proposal is consistent with the objectives and general design principles of the plan and addresses Councils requirements for road design, and construction, filling and levelling and drainage.

Requirements specific to the R5 zone are addressed in the table below.

	Performance Criteria	Compliance
1	<i>Site frontage shall be sufficient to permit vehicular and pedestrian access to the site.</i>	Complies

2	<i>Lots shall be of suitable dimension and orientation to ensure good solar access to future development. On roads running north-south, lots may need to be widened to provide for solar access and prevent overshadowing of dwellings and private open space.</i>	Complies
3	<i>Residential development will only be considered where reticulated water and sewerage is available to the proposed subdivision.</i>	Complies
4	<i>Each lot should have a depth to frontage ratio sufficient to avoid the possibility of 'gunbarrel' type development and permit development to respond to particular site circumstances such as orientation, topography etc.</i>	Complies
5	<i>Lots should be designed to allow the construction of a dwelling with a maximum cut or fill of 1m from the natural ground level.</i>	Complies
6	<i>Where land slopes are generally greater than 5%, road and lot design should provide for dwellings to be generally parallel with the contours to minimise earthworks.</i>	na
7	<i>Lot sizes should be increased where sites are steep or contain significant landscape features including water courses and easements.</i>	Complies
8	<i>Battle-axe lots will only be permitted where the size of the lot (excluding the access handle) has a minimum area of 650m². Where a reduced lot size is proposed for a battleaxe block (less than 650m²) the applicant will need to demonstrate that all other performance criteria relevant to amenity and access can be met.</i>	na
9	<i>Only one battleaxe Lot is to be created behind any full frontage lot .</i>	na
10	<i>Access to a single battle-axe lot shall have a minimum width of 4m.</i>	na
11	<i>Access to two battle-axe shaped lots, when combined, shall have a minimum width of 5m.</i>	na
12	<i>Where greater than two (2) allotments are to gain access from a shared driveway a Community title arrangement should be entered into to create the roadway as a Community Lot.</i>	na

With regard to dwelling design, Part H of the DCP sets out particular performance criteria to ensure the amenity of residents and consistency of the development with the existing residential character. Of relevance to this development are the criteria regarding building setbacks, height, carparking, private open space, solar access, visual and acoustic privacy.

The development is considered to have been designed to ensure that each dwelling can comply with these criteria. As development consent is sought under the provisions of the SEPP the SEPP Design Requirements override in the event of any inconsistency.

The specific design requirements are set out in the table below:

Criteria	DCP Standard	SEPP Design Requirement
Setbacks	10m	4m
Height	8.5m	8m or less. Clause 50 of the SEPP however states that a consent authority must not refuse consent to a development application on the basis of height.
Car parking	2 spaces behind building line	0.5 spaces /bedroom
Private open space	80m ²	15m ²

Solar access	Living spaces and private open space maximizes north and eastern sun.	Living spaces and private open space maximizes north and eastern sun.
Visual and acoustic privacy	Minimize overlooking and noise transmission	Minimize overlooking and noise transmission

The development proposes 16 differing designs for the dwellings to be constructed on the 293 sites. The proposed dwellings are to be single storey of brick veneer with metal roofing construction. The size of the dwellings will range from between 192.5m² and 272m². While smaller in size than the typical dwelling in the adjoin Harrington Waters estate the dwelling to lot size ratio is similar, resulting in a compatible scale and bulk on each site.

Each of the dwellings has been designed and site to achieve appropriate setbacks. Where private open space areas are primarily on the southern side of the allotment lot dimensions are wider to maximize solar access, as shown below.

All natural hazards on the site have been adequately addressed. The seniors living development and subdivision has been designed to minimise impacts from flooding and bushfire and to ensure that stormwater is managed efficiently. The layout of lots ensures continued access to the foreshore and servicing, maximises solar access, and provides for a high level of amenity for future residents. The proposed development complies with the relevant provisions of the DCP.

Section 4.15(1)(a)(iia) – Any Planning Agreement

There are no planning agreements registered to the subject land.

Section 4,15(1)(a)(iv) – The Regulations

Clause 92

Clause 92 of the Environmental Planning and Assessment Regulation 2000 (the Regulation) prescribes additional matters that a consent authority must take into consideration in determining a development application. As such, Clause 92 of the Regulation requires that the NSW Government Coastal Policy (as defined in that clause) be taken into consideration by a consent authority when determining development applications in the local government areas identified in that clause or on land to which the Government Coastal Policy applies. Greater Taree is listed as an applicable local government area under the table pursuant to the clause.

There are nine goals that give expression to the vision of the NSW Coastal Policy (1997) - A Sustainable Future for the New South Wales Coast. The relevance of each goal to the proposed development and the extent to which it has been satisfied in the layout and design of the subdivision is discussed below.

Policy Goal		Response Comment
Goal 1	<i>Protecting, Rehabilitating and Improving the Natural Environment of the Coastal Zone</i>	The proposed Development is sympathetic to the natural environment surrounding the site.
Goal 2	<i>Recognising and Accommodating the Natural Processes of the Coastal Zone</i>	The site of the proposed development does not front the river and is therefore not directly affected by any significant processes, such as wave action and coastal erosion.
Goal 3	<i>Protecting and Enhancing the Aesthetic Qualities of the Coastal Zone</i>	The site is located immediately adjacent to an existing urban area, which is characterised by significant modification of the coastline to create a residential estate, with significant visual impact via the introduction of smaller lot sizes, higher density housing, extensive vegetation removal and limited tree planting. The proposed development will have a similar, yet acceptable impact.
Goal 4	<i>Protecting and Conserving the Cultural Heritage of the Coastal Zone</i>	There are no known sites of cultural heritage located within the site.
Goal 5	<i>Providing for Ecologically Sustainable Use of Resources</i>	The proposed development is for a Seniors Living development and does not include the use of any natural resources of the coastal zone.

Goal 6	<i>Providing Ecologically Sustainable Human Settlement in the Coastal Zone</i>	The development incorporates an industry best-practice water sensitive stormwater system which allows for the re-use of stormwater, maintenance of pre-to-post development flows and the provision of water quality facilities at the end of the line to ensure minimal impact on the Manning River coastal environment.
Goal 7	<i>Providing for Appropriate Public Access and Use</i>	Previous subdivision of the adjoining land incorporated the dedication of approximately 3 hectares of land for public ownership. This land provides public access to the foreshore of the Manning River. Connectivity to this reserve will be provided in the development.
Goal 8	<i>Providing Information to Enable Effective Management of the Coastal Zone</i>	This application provides a description of the existing environment and describes the social, economic and environmental issues associated with the development of the.

Coastal Design Guidelines for NSW

These guidelines were prepared to “*provide a framework for discussion and decision making involving coastal planning, design and development proposals between all stakeholders in the context of caring for the natural beauty and amenity of coastal beaches, headlands, waterways and ecologies upstream.*”

The guidelines provide a reference for appropriate urban development in the coastal zone. In accordance with the guidelines, the proposed development adopts best practice planning of a coastal village that creates a neighbourhood and which minimises impacts, water quality, neighbourhood amenity and ecological integrity.

Section 4.15(1)(b) – The Likely Impacts of the Development

In addition to the issues identified under the relevant planning controls the following issues relevant to this application are addressed in detail below.

Context and Setting

The development is designed to complement the scenic qualities and landscape features of the locality and allow continued vistas towards the river. There will be minimal impacts on adjoining land use activities. The proposal is not considered to be out of context with surrounding rural and residential land, and will also eventually form part of the Harrington township.

The buildings to be erected within the development comprise single and two storey buildings. The density of the development when compared to the surrounding ‘traditional’ residential subdivision and development is considered high; however, the development is consistent with the density criteria under the *Housing for Seniors SEPP*.

Roads, Access, Transport and Traffic

The proposed development will gain access via the existing intersection between Manor and Harrington Roads. This intersection comprises a Type B arrangement, incorporating right turn-in and right turn-out storage lanes. Harrington Road at this location comprises a two lane sealed rural road with a 100 km/h speed limit. At the intersection, the sight distances in both directions are in excess of 450m.

In accordance with the RMS' Technical Direction TDT 2013/04a (August 2013) traffic generating rates for seniors housing are in the order of 2.1 daily trips per dwelling. This equates to approximately 48 morning weekday peak trips and 118 evening peak trips.

Given the existing traffic conditions in the surrounding road network are currently operating at Level of Service (LoS) A, as well the considerable sight distance and the presence of storage lanes and an east-bound passing lane for vehicles to pass traffic turning into Manor Road, it is considered that the additional traffic to be generated by the proposed development is likely to have a negligible impact on these conditions and the efficacy of the intersection. Average delay times at the intersection when the development is 100% occupied would be a maximum of some 9.6 seconds. The intersection would retain its Level of Service LoS A.

As such, the additional traffic generated is likely to be accommodated by both the existing road network and the existing intersection at Harrington and Manor Roads without any need for further upgrades.

The proposed development's impact in relation to access, transport and traffic is considered acceptable and appropriate conditions are recommended to ensure satisfactory provision is made.

Storm water

Storm water management throughout the site is proposed via a combination of a rainwater harvesting/reuse system, street scale biofilters, constructed wetlands and swales.

The results derived from modelling procedures indicate that long term water quality and quantity constraints are appropriately addressed in the proposed development, through the following measures:

- i. Rainwater tanks to collect roof water (10kL).
- ii. Interallotment drainage systems for lots.
- iii. Dished and graded road to convey surface water flows.
- iv. Bioretention basins to treat stormwater flows.
- v. Constructed wetlands to collect water from Manor Road and untreated catchments.
- vi. Detention basins.

The stormwater strategy details stormwater modelling undertaken to examine stormwater flows and quality. In a subsequent study the catchment above the site (Manor Road and caravan park) was included resulting in overall improvements to stormwater quality. More so, the modelling demonstrated that the development will have a positive impact on stormwater pollutant levels.

The results show the following reductions in pollutants loads:

- Gross Pollutants – 100% Reduction
- Total Suspended Solids – 70% Reduction
- Total Phosphorous – 4% reduction
- Total Nitrogen – 1% Reduction

The proposal has been shown to have a Neutral or Beneficial Effect on stormwater quality.

Discharge of stormwater from the site is proposed to occur via a drainage easement management to be created along the eastern boundary of Lot 1 DP 34303 to allow discharge to the Manning River. Additionally, a drainage easement is sought from the proposed detention basin on the site to the Public Reserve (Lot 7 DP 1217806) for the purposes of stormwater discharge.

Public Domain

The current layout provides for a community title subdivision of the senior living development.

This layout proposes a public road from the western end of Manor Road though the site, along the northern boundaries of lots 1, 3 and 5 and terminating near to the public reserve as indicated below.



Figure 6

The dedication of the road (depicted above in yellow) to Council as public road is not considered warranted given the limited number of properties having frontage to the road. Only existing lots 1, 3 and 4 and proposed development lot 3 will have access to this road. On that basis the development consent is to be conditioned to require the road to be kept in community ownership with the community title subdivision and for lots 1,3 and 5 to be granted the appropriate easements across this land for access. Such access will be required to be provided with a temporary gravel base. The exact location of the roadway within the easement will vary as construction permits.

The development will provide for adequate recreational opportunities for future residents of the proposal. Access to the foreshore will be ensured through the provision of a suitable pathway to the public reserve.

Utilities

In accordance with best practice subdivision design and as required by the DCP and the recommendations of the Bushfire Assessment, underground electricity and telecommunications facilities will be provided throughout the development.

Flora and Fauna

Vegetation cover on the land has been modified as a result of past agricultural activities and rural residential occupation of the land. The vegetation over the site is dominated pasture areas that have been managed for low intensity grazing purposes.

Previous investigations did not identify any ecological constraints for the land which would prevent development from occurring.

An ecological assessment of the land carried out in 2014 identified two (2) vegetation communities over the subject land as follows:

- Pastoral Woodland – Comprising few remnant trees amongst improved pasture dominated by exotic pasture species and weeds.
- Roadside Dry Sclerophyll Forest – Comprised of a narrow band of remnant eucalypt trees along the Manor Road frontage of the site.



Figure 7- Vegetation on Manor Road

The previous ecological assessment for the land recognised that the development areas were *low value vegetation with generally low habitat values*.

As a result of recent legislative changes, the application is subject to the provisions of the *Biodiversity Conservation Act 2016* and Regulations. A Biodiversity Assessment Report has been prepared for the site which to examine the need for offsetting, etc., under this legislation.

The BDAR records evidence of 7 Threatened Species on the site, namely:

- Squirrel Glider
- Koala
- Grey-headed Flying Fox
- Yellow-bellied Sheath-tail Bat
- Greater Broad-nosed Bat and
- Little and Eastern Bent-wing Bats.

The site is zoned both R5 and E2 Environmental Conservation. Within the E2 zone there is a stand of Coastal Swamp Oak (*Casuarina glauca*) Forest of New South Wales and South East, which is an endangered ecological community. Approximately 0.57 hectares of this vegetation

type exists on the site. An assessment of this patch revealed that the quality of the vegetation does not qualify it as an EEC and that's its removal will not have a serious or irreversible impact. The vegetation across the boundary is however diagnosed as Coastal Swamp Oak Floodplain Forest. This vegetation is not to be impacted by the development.

The BDAR Assessment resulted in a calculation of the offsets required to address the proposed vegetation clearance on the site. The map below depicts the areas to which the offsets apply. Conditions of consent are proposed to address the issue of vegetation removal on the site and the resultant offsetting required.

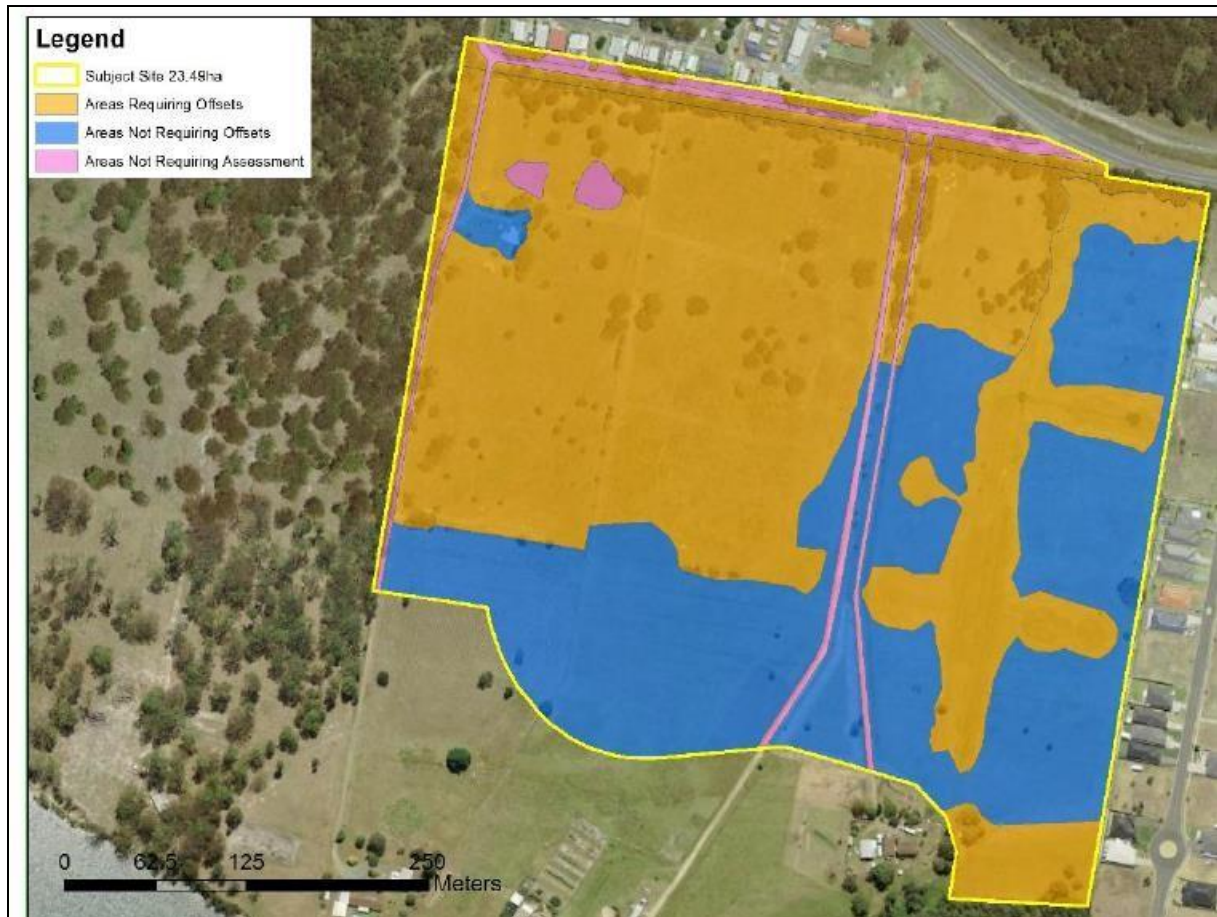


Figure 8

The BDAR notes that there is very limited potential to avoid or minimise biodiversity impacts due to the key constraints of flooding and ASS; and is subject to a current approval for a large lot subdivision which could see the same level of habitat loss.

Mitigating measures are therefore likely to be focused on fauna management during clearing, and management of erosion and sedimentation during construction.

SEPP 44

The site qualifies as Potential Koala Habitat due to the abundance of Scribbly Gum (*E. signata*), but preferred Koala Food Trees (KFTs) as per the Koala Recovery Plan were limited to only 4 trees on site (2 being <3m high).

The balance of evidence suggests that although the site appears likely to be adjacent to Core Koala Habitat to the northwest, it does not support breeding; does not contain an area of major activity; and is not frequently used (i.e. part of the home range of a resident Koala): hence it is not recognised as Core Koala Habitat. A Koala Plan of Management is thus not considered required.

Hazards

The two (2) major hazards impacting the development site are bushfire and flooding.

- Bushfire

A part of the site is classified as “bushfire buffer” on Council’s bushfire maps and the proposal is for a Special Fire Protection Purpose, under section 91 of the Act, the proposed subdivision is classified as “Integrated Development”. For the development to proceed a Bushfire Safety Authority from the NSW Rural Fire Service (RFS) under S.100B of the Rural Fires Act 1997 is required.

The bushfire safety assessment was carried out and indicated that a bushfire threat is posed to the proposed development from the open forest on the property to the west of the site (essentially running adjacent to the western boundary), from forested wetland vegetation to the south-east of the site (within the now excised portion of lot 31) and from grassland within the site itself (in the south-west and central portions).

Based on the bushfire safety assessment the following recommendations were made:

- i. ongoing management of APZ to the standard of inner Protection Area by owners;
- ii. Dwellings along the Manor Road boundary to be set back a minimum of 12m;
- iii. The Manor Road setback to dwellings be maintained as an Inner Protection Area;
 - iv. Dwellings within 100m of unmanaged land to be constructed to BAL-12.5;
 - v. The clubhouse access/egress is to be located and shielded and comply with AS3959-2009;
 - vi. Internal road design and widths comply with Planning for Bushfire Protection 2006;
 - vii. Reticulated water provided throughout the development;
- viii. A bushfire emergency/evacuation plan is to be prepared;
- ix. Services and fire protection measures are to be proposed in accordance with Part E of the BCA.

The bushfire safety assessment report was provided to the NSW RFS and a Bushfire Safety Authority was subsequently issued.

- Flooding

The impacts of flooding on the site and the broader locality have been elsewhere addressed in this report.

Construction

Construction of the subdivision and retirement village is to be carried out in several phases.

While eleven stages of the development are proposed, construction will be carried out in some 23 phases. A construction management plan will be required via a condition of development consent to ensure that construction impacts such as varying access arrangements, traffic movements, dust and noise are suitably managed for the duration of the carrying out of works on the site.

Of significant note is that the proposed roadway from Manor Road leading to the 3 existing lots to the south is proposed to be constructed in portions commencing at construction phase 5

(base gravel only) and not due for completion until phase 23 when it will be sealed and is proposed to be dedicated to Council. During this time, which is an unknown period, the current access arrangements for the properties to the south will have to be regularly rearranged.

The proposed dedication of the road will provide for legal and physical public road frontage to the existing 3 lots and provide future public access through the site enabling connectivity to the Public Reserve adjoining the Harrington Waters estate.

The construction stage of the proposed development will have the potential to impact on adjoining properties and the environment for a short period of time. Any approval will be conditioned to ensure construction activities do not unreasonably impact on the adjoining properties and the environment by way of noise, erosion, dust and the like. In addition, it is recommended that a Construction Management Plan which specifically addresses the generation of dust and noise during both stages of the development be required to be submitted to Council for approval prior to the issuing of a Construction Certificate.

Social and Economic Impact in the Locality

Given the nature of the proposed development and its location the proposal is unlikely to result in any adverse social impacts. It is considered that the proposed development will provide short and long term benefits for the community of Harrington. Likely positive economic impacts can be attributed to the construction phase of the development and ongoing operation.

The development will also provide for Harrington residents to move from their existing housing into the retirement village facility.

Cumulative Impacts

Cumulative impacts relate to the impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment. It is not considered that the proposal will give rise to any adverse cumulative impacts.

All relevant issues regarding the likely impacts on the natural environment have been considered and determined to be reasonable for the proposed development.

Section 4.15(1)(c) – The Suitability of the Site for the Development

There are no physical constraints, heritage, threatened species, or extractive resource constraints impacting on the development.

The development will not give rise to unmanageable transport demands, adequate recreational opportunities will be provided, all services will be available and there will be acceptable impacts on adjoining land owners.

The site is considered to be suitable for the proposed development as demonstrated through the environmental assessment. Due consideration has been given to the site attributes which are considered conducive to the proposed development.

Section 4.15(1)(d) – Any Submissions made in accordance with the Act

The application was publicly notified and exhibited as development in the public interest from 10 October 2018 to 9 November 2018. At the close of the exhibition period a total of twentyfour

(24) submissions had been received objecting to the proposal. A summary of the issues raised in these submissions, and comments in response, is provided below.

<p>Impact of development timeframe on neighbouring properties</p> <p>Air, dust and noise pollution during construction</p>	<p>The timeframe for construction and completion of the development is unknown. A site construction management plan will be required to ensure that construction impacts are minimized to acceptable levels.</p>
<p>Upgrade works to Manor</p>	<p>Manor Road will be required to be upgraded to</p>
<p>Road required</p>	<p>Council's standards</p>
<p>On-site accommodation only to be used by relatives and friends of residents</p>	<p>A condition of development consent will be imposed to ensure that occupants of the temporary accommodation are restricted.</p>
<p>Storm water Impacts on adjoining land</p>	<p>A stormwater management plan has been prepared demonstrating that a neutral or beneficial effect can be achieved for surface waters leaving the site. A drainage easement is proposed to be created along the eastern boundary of Lot 1 DP 34303 to allow discharge to the Manning River. Additionally a drainage easement is sought within the Public Reserve (Lot 7 DP 1217806) for the purposes of stormwater discharge.</p>
<p>Impact of truck movements during filling works</p>	<p>No details have been provided in regard to the number and frequency of trucks entering the site to deposit fill material.</p> <p>The filling will occur across several stages. Minimal disruption will occur during this time. This is considered acceptable as there are a limited number of exiting properties with frontage to Manor Road and a significant separation distance to the adjoining estate.</p> <p>Dust and noise will be managed through adherence to a site construction management plan to be required via a condition of consent.</p>
<p>Delayed provision of community facilities- may not be built at all</p>	<p>There is no guarantee that proposed services will be provided in their entirety. The occupation certificate for the first dwelling in each stage however will not be released until such time as an occupation certificate for the required facilities has been issued for that stage.</p>

Impact on existing services	All required services are to be amplified and extended to service the development. Servicing certificates from each authority will be required to be supplied prior to the release of the Subdivision Certificate for each stage.
Density of development not in keeping with the area	The density of the development is approximately 13.5 dwellings per hectare. Usual residential densities are in the order of 12-20 dwellings per hectare.
Impact of traffic on roadways	All surrounding roads have capacity to handle additional traffic volumes both during construction and ongoing.
Layout not well considered-maximizing dwellings	The site has been designed to centrally locate primary services and facilities, bearing in mind separation distances to uses such as the mens shed and sporting facilities.
Lack of connectivity through existing development to provide pedestrian access	Pedestrian access for residents can be made through the reserve to the south along the foreshore into Harrington. No formal access arrangement are proposed by or required for this development.
Amenity impacts during filling of each stage. Entire site should be filled at once. Impact on roadways in Harrington due to haulage trucks	The site is proposed to be progressively filled to allow stabilization and sediment and erosion control as each construction stage proceeds. Fill sourced from local quarries will be subject to the applicable haulage levies on those developments
Where will stormwater go to after each stage?	Stormwater will be treated within each stage and then spread across the residue lot as the development progresses.
Requires pathway along Harrington Road to shopping area	A community service bus will provide access for residents to the local shopping centre. Pedestrian access can also be gained through the Council reserve along the river foreshore.
Social impact of increasing the aged population	The provision of a retirement village will provide for the current ageing population of Harrington to transition to a serviced care facility within their current community.
Impacts of filling on 3 properties to the south	The filling will not impact these properties as the proposed roadway along the common boundary will be constructed such that runoff will be diverted along this road. The earthworks required to enable construction of the road will be battered wholly within the road reserve and drained to ensure that there is no impact on the adjoining lands.

<p>Access road to 3 lots to the south should be dedicated at Stage 1</p>	<p>The three lots to the south, currently obtain access via rights of carriageway over the subject site. Rights of carriageway can be maintained within the proposed development to provide access to the three lots to the south.</p> <p>The access road is not required to be dedicated to Council as a public road as it serves only a small number of properties.</p>
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Section 4.15(1)(e) – The Public Interest

The public interest has been considered as part of the proposal and issues raised in the submissions received have been discussed throughout this report. The development is considered to be in the public interest providing for 'ageing in place', recognition of the values of the site and adjoining land, without having a detrimental impact on the Harrington community. The proposed development satisfies relevant planning controls and approval of the development is considered to be in the public interest.

5 Other matters for consideration

Section 94

Both the Greater Taree and Harrington S94 Plans apply to the subject site. Developer contributions will be required to be paid under section 94 towards roads, open space, community cultural services, emergency services and the like. Conditions of Consent are proposed to require the payment of these contributions.

6 Recommendation

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised during the assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is suitable for the proposed development, is not contrary to the public interest and will not have a significant adverse social, environmental or economic impact.

Consequently, it is recommended that the application be approved, subject to the attached conditions subject to the conditions listed below, for issue of a deferred commencement consent under the provisions of section 80(3) of the *Environmental Planning & Assessment Act, 1979*.

7 Attachments

- A. Site Compatibility Certificate
- B. Staging Plan
- C. Legal Advice